



# County of Monterey

Item No.

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: A 24-479

October 22, 2024

**Introduced:** 10/8/2024

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** BoS Agreement

- a. Find that execution of the Agricultural Buffer Easement Deed is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines California Code of Regulations (CCR) section 15317;
- b. Accept the Agricultural Buffer Easement Deed and Map for Bengard Family Partnership I, L.P; Barden E. Bengard; Tracy M. Pezzini; Thomas A. Bengard;
- c. Authorize the Chair of the Board of Supervisors to execute the Agricultural Buffer Easement Deed and the Acceptance and Consent to Recordation; and
- d. Direct the Clerk of the Board to submit the Agricultural Buffer Easement Deed and Map to the County Recorder for recording with all applicable recording fees paid by the applicant.

(Agricultural Buffer Easement Deed and Map - PLN230035/Bengard Family Partnership I, L.P; Barden E. Bengard; Tracy M. Pezzini; Thomas A. Bengard, 1981, 1983 and 1985 Alisal Road, Salinas, (Assessor's Parcel Number 153-011-064-000), Greater Salinas Area Plan)

### PROJECT INFORMATION:

**Planning File Number:** PLN230035

**Applicants:** Bengard Family Partnership I, L.P; Barden E. Bengard; Tracy M. Pezzini; Thomas A. Bengard

**APNs:** 153-011-064-000

**Parcel Size:** 188 acres

**Plan Area:** Greater Salinas Area Plan

**Flagged and Staked:** No

**CEQA Action:** Find the project Categorical Exempt per CEQA Guidelines (CCR) section 15317.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find that execution of the Agricultural Buffer Easement Deed is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines California Code of Regulations (CCR) section 15317;
- b. Accept the Agricultural Buffer Easement Deed and Map for Bengard Family Partnership I, L.P; Barden E. Bengard; Tracy M. Pezzini; Thomas A. Bengard;
- c. Authorize the Chair of the Board of Supervisors to execute the Agricultural Buffer Easement Deed and Acceptance and Consent to Recordation; and
- d. Direct the Clerk of the Board to submit the Agricultural Buffer Easement Deed and Map to the County Recorder for recording with all applicable recording fees paid by the applicant.

SUMMARY/DISCUSSION:

On January 10, 2024, the Monterey County Planning Commission approved a Use Permit to allow construction of three two-story 16,286 square foot agricultural employee housing apartment buildings (48,858 square feet total) containing one manager's unit and 45 residential units to accommodate up to 360 farmworker employees, and associated site improvements (Resolution No. 24-002). Planning Commission Resolution No. 24-002 was approved subject to 27 conditions of approval. Consistent with 2010 General Plan Policy AG-1.2 and Title 21 section 21.66.030, Condition No. 4 of the approval required that the Applicant/Owner convey a 200-foot agricultural buffer to the County of Monterey. The purpose of the buffer would protect the surrounding agricultural land and reduce the effect of agricultural operations on the proposed residential use. No structures would be allowed within the easement area, except for the approved parking lot, trash enclosure, and minor storage structures and sheds associated with the residential apartment complex. Acceptance and recordation of the proposed Agricultural Buffer Easement Deed would satisfy Condition No. 4 of Planning Commission Resolution No. 24-002. **Attachment B, Exhibit C** illustrates the proposed easement boundaries.

Acceptance of the proposed Agricultural Buffer Easement Deed easement qualifies for a Class 17 categorical exemption under CEQA, because it constitutes the acceptance of an easement to maintain the open space and agricultural character of the area (CEQA Guidelines (CCR) section 15317).

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved the Agricultural Buffer Easement Deed as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY2024-25 Adopted Budget within Community Development General Fund 001, Appropriation Unit HCD002, Unit 8543.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our HCD customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Administration
- Economic Development
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Fionna Jensen, Senior Planner  
Reviewed by: Lori Woodle, Finance Manager I  
Reviewed and Approved by: Craig Spencer, Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Memorandum to the Clerk of the Board

Attachment B -Agricultural Buffer Easement Deed, including:

- Exhibit A: Legal Description
- Exhibit B: Planning Commission Resolution No. 24-002
- Exhibit B: Agricultural Buffer Easement Map

cc: Front Counter Copy; Board of Supervisors; California Coastal Commission; Carmel Highlands Fire Protection District; Environmental Health Bureau; HCD-Engineering Services Works; HCD-Environmental Services; Craig Spencer, HCD Director; Fionna Jensen, Project Planner; Jeff Nohr, Agent; Bengard Family Partnership I, L.P; Barden E. Bengard; Tracy M. Pezzini; Thomas A. Bengard, Owners; Christina McGinnis, Keep Big Sur Wild; Laborers International Union of North America (Lozeau Drury LLP); The Open Monterey Project (Molly Erickson); LandWatch; Planning File PLN230035